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9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,

14 Case No.: CR 14-70886 MAG

15 Plaintiff,

16 vs.
17 STIPULATION AND [PROPOSED]
18 ORDER WAIVING DEFENDANT'S
19 PERSONAL APPEREARANCE

20 OSCAR VARGAS,

21 Date: September 21, 2015
22 Time: 9:30 a.m.
23 Honorable Kandis A. Westmore

24 Defendant

25 IT IS HEREBY STIPULATED by and between the parties hereto and undersigned
26 counsel, and with the consent of defendant Oscar Vargas, that pursuant to Federal Rule of
27 Criminal Procedure 43, his personal appearance be waived for the hearing set for September 21,
28 2015.

29 It is anticipated that at the hearing set for September 21, 2015 will serve as a status
30 hearing (not an arraignment), as the referral for pretrial diversion is pending U.S. Attorney
31 supervisor review and approval.

32 Mr. Vargas was released on pretrial supervision in this matter in July, 2014 and
33 successfully completed a residential substance abuse treatment program. Thereafter, he has been
34 of perfect compliance with the terms of his pretrial release, including weekly outpatient
35 treatment, drug testing and voluntarily attending Narcotics Anonymous meetings multiple times

per week for the months thereafter. He is currently living in Modesto and attending truck driving school. In order to attend court, he would have to take a day off from that instruction, rent a car and drive to the Bay Area. Given those factors, he requests a waiver at the upcoming appearance.

Government counsel does not oppose the waiver of Mr. Vargas' appearance for the hearing set for September 21, 2015.

IT IS SO STIPULATED

Dated: September 17, 2015

/s/

Dated: September 17, 2015

BRIAN STRETCH
UNITED STATES ATTORNEY

Katie Medearis
Assistant United States Attorney

SO ORDERED

Dated: 9/18/15

Kandis Westmore
Honorable Kandis A. Westmore
United States Magistrate Judge